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NATIVE AMERICANS' RIGHT TO BELIEVE AND EXERCISE THEIR TRADITIONAL NATIVE RELIGIONS FREE OF FEDERAL GOVERNMENT INTERFERENCE

MARCH 21 (legislative day, FEBRUARY 6), 1978.—Ordered to be printed

Mr. ABOUREZK, from the Select Committee on Indian Affairs, submitted the following

REPORT

[To accompany S. J. Res. 102]

The Select Committee on Indian Affairs, to which was referred the joint resolution (S.J. Res. 102) to insure that native Americans, which include all American Indians, Eskimos, Aleuts, and native Hawaiians, have the same rights as other people to believe, express, and exercise their traditional religions, free of the infringements of statute, regulation, or enforcement policies of the U.S. Government, having considered the same, reports favorably thereon with amendments and recommends that the joint resolution as amended do pass.

The amendments are as follows:

1. On page 2, line 4, delete "American Indians" and insert in lieu thereof: "Native Americans."

2. On page 3, lines 4, 5, and 6, delete "; and be it further Resolved, That" and insert a "." after "rites" followed by "Sec. 2. The President shall direct".

3. On page 3, lines 7 and 8, delete "executive" and insert in lieu thereof "departments," and following "agencies" insert the following "and other instrumentalities".

4. On page 3, lines 8 and 9, delete "responsible for administering such laws are directed," and insert in lieu thereof "whose duties impact on Native American religious practices".

5. On page 3, line 9, insert after "procedures" the following "in consultation with Native religious leaders".

6. On page 3, line 11, delete "appropriate" and insert in lieu thereof "and implement".

7. On page 3, line 12, delete "American Indian" and insert in lieu thereof "Native American".

8. On page 3, line 13, after the last sentence, add the following sentence:

> Twelve months after approval of this resolution, the President shall report back to Congress the results of his evaluation, including any changes which were made in administrative policies and procedures, and any recommendations he may have for legislative action.

Purpose of the Measure

The intent of Senate Joint Resolution 102 is to insure that the policies and procedures of a variety of Federal agencies are brought into compliance with the constitutional injunction that Congress shall make no laws abridging the free exercise of religion.

Background

Native Americans have an inherent right to the free exercise of their religion. That right is reaffirmed by the U.S. Constitution in the Bill of Rights, as well as by many State and tribal constitutions. The practice of traditional native Indian religions, outside the Judeo-Christian mainstream or in combination with it, is further upheld in the 1968 Indian Civil Rights Act.

Despite these laws, a lack of U.S. governmental policy has allowed infringement in the practice of native traditional religions. These infringements came about through the enforcement of policies and regulation based on laws which are basically sound and which the large majority of Indians strongly support. These laws often embody principles such as the preservation of wilderness areas and the preservation of endangered species for which Indians have actively fought, literally generations before the non-Indian became convinced of their importance.

But, because such laws were not intended to relate to religion and because there was a lack of awareness of their effect on religion, Congress neglected to fully consider the impact of such laws on the Indians' religious practices.

It is only within the last decade that it has become apparent that such laws, when combined with more restrictive regulations, insensitive enforcement procedures and administrative policy directives, in fact, have interfered severely with the culture and religion of American Indians. Interference with the free exercise of native religions has taken place in three general areas.

The first restrictions are denials of access to Indians to certain physical locations. Often, these locations include certain sites—a hill, a lake, or a forest glade—which are sacred to Indian religions. Ceremonies are often required to be performed in these spots. To deny access to them is analogous to preventing a non-Indian from entering his church or temple. Many of these sites not in Indian possession are owned by the Federal Government and a few are on State lands. Fed-

eral agencies such as the Forest Service, Park Service, Bureau of Land Management, and others have prevented Indians in certain cases from entering onto these lands. The issue is not ownership or protection of the lands involved. Rather, it is a straightforward question of access in order to worship and perform the necessary rites.

Further, there is the question of cemeteries which were in use at the time of Federal subjugation. In some instances, these lands were put under Federal supervision because they were Indian cemeteries. Yet, today the same tribes cannot bury their religious and political leaders there. There is no overriding reason to deny Indians the right to inter their dead in sanctified ground. Revised regulations and enforcement procedures could allow access for religious purposes and still follow the intent of these laws.

The second major area of Federal violations is the restrictions on use of substances. To the Indians, these natural objects have religious significance because they are sacred, they have power, they heal, they are necessary to the exercise of rites of the religion, they are necessary to the culture integrity of the tribe and, therefore, religious survival or a combination of these reasons. To the Federal Government, these substances are restricted because the non-Indian has made them scarce, as in endangered species, or because they pose a health threat to those who misuse them, as in peyote.

The Federal court system has shown that this apparent conflict can be overcome with the institution of well thought out exceptions. Although acts of Congress prohibit the use of peyote as a hallucinogen, it is established Federal law that peyote is constitutionally protected when used by a bona fide religion as a sacrament. Yet, a lack of awareness or understanding of the law has led some Federal officials to confiscate sacramental substances. Things which have never been prescribed by law, such as pine leaves or sweet grass, have been confiscated by Federal officials who were suspicious that they were some form of drugs. Even worse, medicine bundles once sealed by religious leaders are never to be opened or handled by others. They are worn or carried by Indians for health, protection, and purity. Although containing only legal substances, these medicine bags or bundles have been opened by custom officials searching for drugs, thus making them unclean and valueless.

Another example of overzealous officials is the confiscation of turkey feathers and the feathers of other common birds which are legal for all Americans to possess, but which are taken with the fear that they might be from some endangered bird.

Even the most ardent conservationist cannot match the need of traditional Indians for preserving eagles and hawks. For some plains tribes, much of their religion depends on the existence of these species. Yet, prohibiting the possession and exchange by Indians of feathers in one's family for generations, or the use of feathers acquired legally does not help preserve endangered species. It does prevent the exercise of American Indian religions. Although the enforcement problems create more difficult administrative issues and requires more careful consideration of regulation changes in this area, it is possible to both uphold the intent of the laws and allow for religious freedom.

Where necessary, tribal representatives will be able to institute self-enforcement procedures designed to insure that any exception to general regulatory laws surrounding access to sites, use of sacred objects, et cetera, will be confined to tribal members actually participating in the religious exercise or event.

The third area of concern is actual interference in religious events. In some instances, those who interfere have good motives or are merely curious. These instances include being present at ceremonies which require strict isolation, even to the extent of circling the ceremony in small aircraft. Unlike the other areas, some of these incidents happen because of Federal omissions, rather than actions. In areas where the Federal Government has a duty to act or is the only law enforcement at the site, Federal officials have failed to protect Indian religions from intrusions.

In other instances, it is the Government official who directly interferes. This direct Federal interference in the religious ceremonies imposes upon one religion, by Government action, the values of another. Such action is a direct threat to the foundation of religious freedom in America. It comes far too close to an informal state religion.

America does not need to violate the religions of her native peoples. There is room for and great value in cultural and religious diversity. We would all be poorer if these American Indian religions disappeared from the face of the Earth.

Much can be done to prevent the destruction of Indian religions. For instance, several States have already taken supportive action. During the eagle feather crisis of 1974, many Oklahoma State officials issued statements of support. Montana went beyond rhetoric to pass a State resolution setting forth the policy of free exercise and protection for Indian religions. The State of California has enacted the Native American Historical, Cultural, and Sacred Sites Act of 1976 which takes giant strides in overcoming the problems of access. Unfortunately, to date, with the exception of sporadic efforts by a few individuals, the Federal Government's lack of policy has allowed infringements of religious rights to continue.

NEED

As a result of this committee's inquiry into the problems experienced by Indian traditional and religious leaders, it became apparent that there were many instances where the religious rights of the traditional Native Americans were being infringed upon by Federal statutes, regulations, or enforcement policies.

New barriers have been raised against the pursuit of their traditional culture, of which the religion is an integral part. Based on available information, it appears that in nearly all cases the infringements which have occurred have not resulted from an express Federal policy, but rather from a lack of policy at the Federal level. In many instances, Federal officials responsible for the enforcement of the laws in question have simply been unaware of the nature of traditional native religious practices and, consequently, of the degree to which their agencies have interfered or restricted such practices. Lack of knowledge, unaware-

ness, insensitivity, and neglect are the keynotes of the Federal Government's interaction with traditional Indians' religions and cultures. This state of affairs is enhanced by the preception of many non-Indian officials that because Indian religious practices are different than their own that they somehow do not have the same status as a "real" religion. Yet, the effect on the individual whose religious customs are violated or infringed is as onerous as if he had been Protestant, Catholic, or Jewish.

Legislative History

Senate Joint Resolution 102 was introduced by Senator Abourezk on December 15, 1977, for himself and Senators Humphrey, Kennedy, Inouye, Matsunaga, Hatfield, Stevens, Gravel, Goldwater, Domenici, and Bartlett. A hearing was held before the Senate Select Committee on Indian Affairs on February 24 and 27, 1978.

A companion measure, House Joint Resolution 738, was introduced by Congressmen Udall and Blouin on February 14, 1978. It has been referred to the House Interior Subcommittee on Public Lands and Indian Affairs.

Senate Joint Resolution 102 was supported by Governor Brown of the State of California.

Committee Recommendation and Tabulation of Votes

The Senate Select Committee on Indian Affairs, in open business session on March 9, 1978, with a quorum present unanimously recommended that the Senate adopt Senate Joint Resolution 102, as amended.

Committee Amendments

There are several amendments to Senate Joint Resolution 102, most of which are in the nature of technical changes in the wording.

Amendments 1 and 7 change the phrase "American Indian" to "Native American" to clarify that native Hawaiian, Eskimos, and Aleuts are included within the purview of this measure as well as American Indians.

Amendment 2 is a technical amendment to insure the proper resolution format. It further focuses the administration of the measure in the President, rather than dispersed throughout the agencies.

Amendment 3 is a technical change to insure that all branches of the Federal Government are involved in the new policy, if under amendment 4 their duties impact on native American religious practices—which is clearer than "such laws."

On the other hand, amendments 5, 6, and 8 are substantive changes in the law. The phrase "in consultation with Native religious leaders," is a new and important addition to the resolution. Because much of the present problem stems from lack of knowledge of what traditional native religions constitute, it is imperative that the evaluation find a source of knowledge if it is to rectify the problem. It is the intent that that source be the practitioner of the religion, the medicine people, religious leaders, and traditionalist who are Natives—and not Indian experts, political leaders, or any other nonpractitioner. The committee has determined that only through consultation with Native religious

leaders will the administration be able to clearly understand how their policies and regulations impact on Native American religious practices and, thus, be able to protect against infringements.

Amendment 6 is another significant addition. "And implement" was needed to clarify that the administration was being directed to not only determine the problem, but to implement any changes which could be accomplished by Executive action to conform to the policy of noninfringement.

Finally, amendment 8 requires a Presidential report to Congress setting forth what determinations were made and what administrative changes occurred. Further, the report would include the administration's recommendations for any changes which cannot be made by the Executive and require further legislative action. A time limit of 12 months, after approval of the resolution, was established.

Section-by-Section Analysis

The first part of the resolution is a series of findings as to the problem. The resolution begins with a statement of policy that, henceforth, the free exercise of religion by native Americans shall be protected and preserved. The clear intent of this section is to insure for traditional native religions the same rights of free exercise enjoyed by more powerful religions. However, it is in no way intended to provide Indian religions with a more favorable status than other religions, only to insure that the U.S. Government treats them equally.

Section 2 of the resolution directs the President to evaluate Federal policy and procedures in consultation with the native religious leaders. This section is designed to insure that a detailed analysis of the specific regulatory or procedural changes that may be necessary are identified and implemented in a systematic and thorough manner. The final requirement calls for a submission of a report regarding the administration's evaluation, including any legislative recommendations to Congress within 12 months.

Cost Estimate—Congressional Budget Office

U.S. Congress,
Washington, D.C., March 10, 1978.

Hon. James Abourezk,
Chairman, Select Committee on Indian Affairs, U.S. Senate, Dirksen Senate Office Building, Washington, D.C.

Dear Mr. Chairman: Pursuant to section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has reviewed Senate Joint Resolution 102, a resolution relating to American Indian religious freedom, as ordered reported by the Senate Select Committee on Indian Affairs, March 9, 1978.

Based on this review, it appears that no additional cost to the Government would be incurred as a result of enactment of this bill.

Sincerely,

Robert A. Levine,
(For Alice M. Rivlin, Director).

EXECUTIVE COMMUNICATIONS

The pertinent legislative reports are set forth below.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., February 24, 1978.

Hon. JAMES ABOUREZK,
Chairman, Select Committee, on Indian Affairs, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: I appreciate the opportunity to comment on Senate Joint Resolution 102. The protection and preservation of religious freedom for American Indians is vital to their cultural integrity and to the democratic traditions of this country.

I know you are aware of my special interest and personal involvement as a Member of Congress in the many needs and problems of American Indians. Because of this concern, several weeks ago I established a native American task force in the Department of Agriculture to improve the effectiveness of USDA's programs as they apply to native Americans.

The task force, composed of four of my assistant secretaries and supporting agency staff people as required, will report to me quarterly. It occurs to me that a system such as our task force might be the type of vehicle that could be created in other executive departments to deal with the purpose of Senate Joint Resolution 102, as well as the many other issues and problems that confront American Indians.

The difficulties experienced by American Indians in practicing their traditional religions have already been discussed by our task force. I thoroughly support your efforts to resolve any conflicts between American Indian religious practices and Federal policies. You may be assured I will cooperate fully with any Presidential directive having that objective.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely,

BOB BERGLAND, *Secretary.*

STATEMENT OF THADDEUS ROJEK, CHIEF COUNSEL, U.S. CUSTOMS SERVICE

Mr. Chairman, I am pleased to have the opportunity to appear today before the Senate Select Committee on Indian Affairs to comment upon Senate Joint Resolution 102 on American Indian religious freedom, particularly insofar as it may relate to Customs enforcement responsibilities at our Nation's borders.

In carrying out its mission, the Customs Service as the principal border enforcement agency enforces not only the customs laws which are concerned primarily with the protection of the revenue, but also more than 400 provisions of law for 40 other Federal agencies. These include, for example, laws enacted to preserve and protect endangered animal and bird species and to restrict the importation of narcotics

and dangerous drugs into this country. We are charged, therefore, with the responsibility of examining all persons, merchandise, vehicles, vessels, and aircraft that cross our international borders.

To give you some measure of the scope of our responsibilities, during fiscal year 1977, Customs cleared more than 260 million persons arriving in the United States. More than 77 million cars, trucks, and buses crossed the country's borders; an additional 154,000 ships and 370,000 aircraft were also cleared. This involved making 71 million baggage examinations and processing 14 million customs declarations.

Customs collected more than $6 billion in duty and taxes and processed $150 billion worth of imported goods which required the processing of more than 3.8 million formal entries (those involving merchandise valued in excess of $250). In addition, more than 47 million foreign mail parcels were processed. There were over 24,000 drug seizures including 951 pounds of cocaine, 278 pounds of heroin, 7.8 million units of polydrugs, and 774 tons of marihuana.

It is in this role as the principal border enforcement agency that our customs officers have some interaction with American Indians which sometimes may be considered by the Indians as an interference with their native culture and religion. This was rather effectively brought to our attention recently by several tribal spokesmen.

At the end of January, I was privileged to attend, on behalf of the Commissioner of Customs, a meeting sponsored by the American Indian Law Center in Albuquerque, N. Mex. Mr. Sam DeLoria, director of the center chaired the meeting. In attendance were representatives from various Indian tribes whose tribal lands abut or overlap the international border between the United States and Mexico or between the United States and Canada—the Papago, Cocopah, and Yaqui from Arizona and Mexico; the Lummi from Washington; the Onondaga, Seneca, Tuscarora, Oneida and St. Regis Mohawk from New York; the Eskimo from Alaska; the Blackfeet and Crow from Montana; the Kickapoo from Oklahoma; the Turtle Mountains from North Dakota, the Bay Mill from Michigan, and the Chippewa from Minnesota.

Besides Customs the following Federal agencies sent representatives: President's Reorganization Project of the Office of Management and Budget; Immigration and Naturalization Service, Drug Enforcement Administration, Department of State's Bureau of Consular Affairs and the Bureau of Indian Affairs.

Each of the tribal representatives had an opportunity to speak about the particular problems they were experiencing with Government agencies when they cross an international border. (It should be noted that sometimes the crossing of such an international border and interaction with border officials takes place incidentally when certain Indians are merely traveling from one part of their tribal lands to another to visit friends or relatives or on business.) A common concern expressed by all spokesmen was one which Senator Abourezk addressed in his introduction of the joint resolution—namely that a seeming lack of knowledge or unawareness of native Indian cultural or religious customs, practices, and beliefs on the part of Federal border agency employees may lead to insensitive handling or treatment by them of objects or articles considered sacred by Indians. It was stated that sometimes articles such as pine boughs or sweet grass which are not

prohibited by any law and which are needed for certain ceremonial rites have been confiscated by customs officers because of uncertainty or confusion as to whether they constituted some form of drugs. In other instances it was alleged that medicine bags or bundles sealed by religious leaders at a religious ceremony have been callously opened by custom officers in their search for prohibited drug. Once they have been opened and "contaminated" the medicine bags or bundles are rendered valueless for the religious or spiritual purposes they were intended to serve.

The Indian spokesman expressed not only their feelings of frustration, harassment, and embarrassment, but also a sincere fear that continued confiscation at the borders of natural objects that have religious significance to them (such as animal parts, hoofs, certain grasses, reeds, herbs, roots, et cetera) will have a destructive effect on their native culture, including their religion. They contend that if they are deprived of the objects they need to exercise their religious rites and other ceremonies they will be unable to pass on their cultural heritage to their children.

The tribal spokesmen present made it clear that they were not asking for exceptions to be carved out from existing laws which they believe to be basically sound, such as the laws to preserve endangered species or wilderness areas. What they asked for is a recognition by Federal border management officials of the impact of the enforcement of such recently enacted laws on their religious practices and that consideration be given to determine whether there are ways to implement the enforcement of such laws in a manner that will not infringe upon their religious freedom.

In my opinion this meeting was very productive in that it served to bring to the attention of top management of the Customs Service these particular concerns of the Indian community. As a followup we have set up two meetings between local customs officials and tribal leaders to explore the local problems further and will attempt to resolve them in a manner that is mutually satisfactory.

Because of this recent experience in which one of the areas which the joint resolution addresses was rather effectively brought to our attention, the Customs Service supports what we understand to be the the intent of the resolution, particularly insofar as it would establish a dialogue with the Indian religious leaders. Accordingly, we support Senate Joint Resolution 104 if it is amended in accordance with the Department of Justice recommendation. However, in order for Customs to evaluate whether its regulations or procedures could be changed so as not to infringe upon the religious freedom of the Indians we would need a considerable amount of information which is presently not available in any centralized form. For example, we would want to first of all identify and catalog all of the items or articles which have religious significance to the respective Indian tribes. To the extent that the joint resolution will foster a dialog which can produce such information and assist us in identifying and determining the scope of the problem we welcome it.

If you have any questions I will be pleased to address them.

STATEMENT OF LARRY L. SIMMS, ATTORNEY/ADVISOR, OFFICE OF LEGAL COUNSEL

Mr. Chairman and members of the select committee, let me first thank the committee for the opportunity to provide you with the views of the Department of Justice on this joint resolution.

The purpose of my testimony is to address several legal questions raised by Senate Joint Resolution 102 as presently drafted and to recommend certain changes to the resolution which would clarify some of its provisions.

The most important legal question raised by this resolution is whether it is intended to require implementation of any "changes which may be necessary to protect and preserve Native American religious cultural rights and practices." Section 2 of the resolution before this committee could be read to require that, in any specific situation, Federal departments and agencies must take action to "protect and preserve" the religious freedom of American Indians, Eskimos, Aleuts and native Hawaiians irrespective of the impact such action would have on substantive programs being administered by those departments and agencies. In other words, this resolution might be read to modify existing statutory law or to dispense with the usual balancing of the right to religious freedom against other societal interests that is the touchstone of first amendment protection in this area. It might also be read to require that the religious freedom protected by this resolution be accorded a position not accorded to non-Indian religious freedom under the first amendment.

Were this resolution so read, we would object to it on two grounds. First, we think that the establishment clause of the first amendment may place some limitations on the power of the Federal Government to give preferential treatment to Indian religious freedom beyond that afforded to other non-Indian religions. This is not to say that the unique characteristics of Indian religious practices may not call for and permit accommodations different from those reached with respect to non-Indian religious. It is to say that there may be some situations in which a conscious preference accorded to some Indian religion practices might raise establishment clause and due process clause problems. See, e.g., *Kennedy* v. *BNDD*, 459 F. 2d 415 (CA9 1972).

Second, a general congressional directive to implement such policies as "may be necessary to protect and preserve" these religious freedoms irrespective of the impact of implementation on ongoing substantive programs would be ill advised. This is because implementation of any such policies might raise conflicts with existing statutes that should be addressed and resolved in specific situations by the Congress.

Also, if the policy declared in section 1 of the resolution were viewed as a substantive Federal policy intended to displace or modify other substantive law, a question would arise as to whether section 1 would preempt any conflicting State laws or policies in this area. Were that the intent of the resolution, we think that a much more detailed analysis of the impact of section 1 on State policies would be mandated in the interests of federalism.

We think that the resolution should be read to require the executive branch to reevaluate any of its present policies or programs which have been shown to impact on American Indian religious freedom.

Where such impact can be lessened within the statutory framework of the particular program, appropriate action to do so could be taken by the department or agency concerned. Where conflicts arise that cannot be resolved within the existing statutory framework the proper course for the executive branch would be to seek legislation permitting Congress to declare its intent with regard to the balance to be struck between preservation of religious freedom and the achievement of the objectives of the specific programs involved.

For these reasons, we would suggest that section 2 of the resolution be amended to read as follows:

"The President shall direct the various Federal departments, agencies, and other instrumentalities whose duties impact on Native American religious practices to evaluate their policies and procedures in consultation with Native religious leaders in order to identify changes which are necessary to protect and preserve Native American religious cultural rights and practices and to implement such changes as may be consistent with existing statutes. Twelve months after approval of this resolution, the President shall report back to Congress the results of his evaluation, including any changes which were made in administrative policies and procedures, and any recommendations he may have for legislative action."

We would also recommend the addition of a new section 3 as follows:

Section 3. Nothing in this resolution shall be construed as affecting any provision of State or Federal law.

STATEMENT BY GEORGE GOODWIN, DEPUTY ASSISTANT SECRETARY OF THE INTERIOR FOR INDIAN AFFAIRS

Mr. Chairman, members of the committee, and staff, my name is George Goodwin, I am a member of the Minnesota Chippewa Tribe and Deputy Assistant Secretary of the Interior for Indian Affairs.

We recommend passage of Senate Joint Resolution 102 with clarifying language which will be presented to you today by the Department of Justice. That language would insure that no provision of the resolution would be construed as amending existing law.

Mr. Chairman, we support and endorse the policy of the United States expressed in Senate Joint Resolution 102 to protect and preserve for American Indians their right to believe, express, and exercise their traditional religions. Indians have often experienced interference with, and sometimes outright banning of, their religious ceremonies and the objects and artifacts associated with those ceremonies. That interference is often the result of administrative regulations and policies carried out with little awareness or concern for their impact on the practices of traditional Indian religion.

We believe that in order to make the policy of Indian self-determination meaningful it is necessary for the Federal Government to address the conflicts between its policies and procedures and the practice of traditional Indian religions.

Senate Joint Resolution 102 goes further than just stating policy, however. It directs the President to direct the various Federal departments, agencies, and other instrumentalities responsible for admin-

istering laws which affect Indian religious freedom to evaluate their policies, in consultation with Indian native religious leaders, in order to determine and implement changes which may be necessary to protect and preserve Native American religious cultural rights and practices.

A group of representatives from the various agencies whose activities impact on traditional Indian customs and practices met last November with representatives of this committee to discuss possible conflicts between their activities and Indian religious customs. It was decided at that meeting that such an interagency group should operate as a task force to be coordinated by the Department of the Interior. An important goal of such a task force, decided at this initial meeting, is to consult with native American religious leaders in order to accommodate Indian tradition wherever possible in enforcement procedures and policies.

Ongoing conversations with the other Federal agencies responsible for administering laws which affect Indian religious practices encourage us that there is widespread interest and support for a review of administrative procedures with a view to identifying and correcting, where possible, problems Indian traditionalists have with the ways our laws are being enforced. With such interest extending from the highest levels in this administration and among the various Departments, we are encouraged that such a review will be an effective one with gratifying results. Certainly, the Department of the Interior will welcome and cooperate with a congressional directive for a formal review of our procedures in protecting Indian religious rights.

Thank you for the opportunity to address this most important subject. My associates and I will be pleased to answer any questions the committee may wish to ask.

Changes in Existing Law

In compliance with subsection 4 of rule XXIX of the Standing Rules of the Senate, the committee notes that no changes in existing law are made by Senate Joint Resolution 102 as reported.

The resolution does direct the administration to change its regulations and enforcement policies wherever necessary to protect and preserve native American religious cultural rights and practices. If changes cannot be made consistent with present statutory intent, then the President must report back to Congress his recommendations for changes in existing law which will require further legislative action.

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